

1 HONORABLE JAMES L. ROBART
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 **MARIO E. YOUNG, JR.**, individually and on
10 behalf of all others similarly situated,

11 Plaintiff,

12 v.

13 **SAFELITE FULFILLMENT, INC.**, a Delaware
14 Corporation, and **DOES 1-10**, inclusive,

15 Defendant.

Case No.: **2:19-CV-01027-JLR**

**ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

NOTING DATE: APRIL 13, 2020

Without Oral Argument

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26 ORDER GRANTING PLAINTIFF'S UNOPPOSED
MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT - CASE NO.:
2:19-CV-01027-JLR

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1 The above-titled matter came before this Court upon Plaintiff's Motion for Preliminary
2 Approval of Class Action Settlement (the "Motion"). Based upon the memoranda, exhibits, and
3 all the files and proceedings herein, the Court finds as follows:

4 1. The Court grants preliminary approval of the parties' settlement on the terms set
5 forth in the Settlement Agreement filed with the Motion and attached as **Exhibit 1** to the
6 Declaration of Craig J. Ackermann in support of the Motion.

7 2. The settlement terms set forth in the Settlement Agreement appear to be fair,
8 adequate and reasonable to the Settlement Class, and the Court preliminarily approves the terms
9 of the Settlement Agreement, including terms providing for:

- 10 a. A Gross Settlement Amount¹ of \$75,000.00;
- 11 b. Payment from the Gross Settlement Amount of (i) Class Counsel attorneys'
12 fees, not to exceed 30% of the Gross Settlement Amount (\$22,500.00); (ii)
13 Class Representative Payments to the named Plaintiff, not to exceed
14 \$7,000.00; and (iii) an award of costs to Class Counsel, not to exceed
15 \$7,000.00; and
- 16 c. Allocation of the Settlement Proceeds (the Gross Settlement Amount after
17 the deductions provided for above) to Participating Class Members based
18 on their Proportionate Share, and the calculation and payment of Individual
19 Settlement Payments as provided for in paragraph 39 of the Settlement
20 Agreement.

21 3. The Court grants the parties' request for certification of the following Settlement
22 Class under Rule 23(b)(3) for the sole and limited purpose of implementing the terms of the
23 Settlement Agreement, subject to this Court's final approval:

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¹ Unless otherwise defined in this Order, capitalized terms have the same meaning as defined in the Settlement
27 Agreement ("S.A.").
- ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT - 2 -
- CASE NO.: 2:19-CV-01027-JLR

1 All individuals who (1) resided in Washington State, (2) were employed by Defendant as
2 mobile technicians and/or technicians (or any similar position), (3) and who were paid, in
3 whole or in part, on Defendant's Performance Pay Play ("PPP") and who, in fact, earned
4 PPP incentive pay during at least one pay period, (4) and who worked at least one shift of
5 at least 4 hours in length at any time from June 3, 2016 to April 21, 2017 (collectively,
6 "Class Members" or the "Class").
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8 4. The Court preliminarily appoints Plaintiff's counsel, Craig Ackermann and Brian
9 Denlinger of Ackermann & Tilajef, P.C. and India Lin Bodien of India Lin Bodien, Attorney at
10 Law, as Class Counsel for the Settlement Class, and Plaintiff Mario E. Young, Jr. as Class
11 Representative for the Settlement Class.
12

13 5. This Court approves, as to form and content, the Notice of Proposed Class Action
14 Settlement ("Notice"), in substantially the form attached to the Settlement Agreement as **Exhibit**
15 A. The Court approves the procedure for Class Members to opt out of, and to object to, the
16 settlement as set forth in the Settlement Agreement and the Notice.
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18 6. The Court directs the mailing of the Notice by first class mail to the Settlement
19 Class Members in accordance with the schedule set forth below. The Court finds the dates selected
20 for the mailing and distribution of the Notice, as set forth below, meet the requirements of due
21 process and provide the best notice practicable under the circumstances and shall constitute due
22 and sufficient notice to all persons entitled thereto.
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24 7. The Court confirms Rust Consulting, Inc. as the Settlement Administrator.
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1 8. The Court adopts the following dates and deadlines:

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3 TIME	4 EVENT
5 Within 30 calendar days after the Court grants preliminary approval of the settlement	Defendant to provide class data to the Settlement Administrator. (S.A. ¶ 41)
6 Within 15 calendar days after the Settlement Administrator receives the class data from Defendant	Settlement Administrator to mail Notice to Settlement Class Members. (S.A. ¶ 44).
8 45 calendar days after Notice mailing date	Deadline for Settlement Class Members to submit a written Request for Exclusion, to challenge their Proportionate Share, and/or to file an objection to the Settlement. (S.A. ¶¶ 46-49)
12 Within 15 days after the close of business of the Response Deadline	Settlement Administrator will provide to Class Counsel and Defendant's Counsel a declaration including a statement of due diligence and proof of mailing. (S.A. ¶ 52)

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16 9. Class Counsel shall file a memorandum of points and authorities in support of their
motion for approval of attorneys' fees and litigation expenses no later than October 16, 2020.

18 10. Class Counsel shall file a memorandum of points and authorities in support of the
final approval of the Settlement Agreement no later than October 16, 2020.

20 11. A Final Approval/Fairness Hearing on the question of whether the proposed
settlement, including the proposed attorneys' fees and cost reimbursement to Class Counsel, Class
Representative Payment to Plaintiff, allocation and distribution of the Settlement Proceeds to
Participating Class Members, and the binding effect of the releases set forth in the Settlement

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1 Agreement and Notice, should be finally approved as fair, reasonable and adequate as to the
2 members of the Class is scheduled in for December 2, 2020 at 9:00 a.m.

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4 **IT IS SO ORDERED.**

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6 Dated: June 18, 2020
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HON. JAMES L. ROBART
UNITED STATES DISTRICT COURT